

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In Re:	)	
	)	
ITV of Buffalo, LLC	)	
Licensee of Station WBBZ-TV,	)	
Springville, New York	)	CSR _____
	)	
v.	)	
	)	
Time Warner Cable	)	
	)	
	)	

To: The Secretary

**MUST-CARRY COMPLAINT**

ITV of Buffalo, LLC ("ITV") licensee of WBBZ-TV, Springville, New York pursuant to Sections 76.7, 76.56 and 76.61 of the Commission's rules,<sup>1</sup> hereby files this Must-Carry Complaint against Time Warner Cable ("TWC").<sup>2</sup> As demonstrated herein, TWC has failed to meet its carriage obligations pursuant to Section 76.56 by failing to provide carriage of WBBZ-TV in the Buffalo Designated Market Area (DMA) and has failed to respond to ITV's notification, pursuant to Section 76.61(a), regarding same, as required by Section 76.61(b). In support thereof, the following is respectfully shown:

**Relief Requested**

1. ITV requests that the Commission (1) find that WBBZ-TV is entitled to carriage on TWC's cable systems in the entire Buffalo DMA; (2) require that TWC

---

<sup>1</sup> 47 C.F.R. §§ 76.7, 76.56 and 76.61.

<sup>2</sup> This filing complies with Section 76.61(a) (5) in the ITV's's complaint was received by TWC on March 27, 2012 as evidenced by Federal Express tracking records. (See Exhibit 3 attached).

respond to ITV's notification, dated March 26, 2012, that it is not being carried by several TWC headends in its DMA; and (3) require that TWC respond to ITV's requests, pursuant to Section 76.53(c) (3), that TWC enable ITV to cure its signal deficiencies.

### **Background**

2. ITV owns and operates WBBZ-TV, an independent station, in the Buffalo, New York DMA.<sup>3</sup> Despite the fact that the Buffalo DMA encompasses ten (10) counties, eight in New York and two in Pennsylvania, WBBZ-TV is only afforded carriage by TWC on its cable systems in Erie and Niagara counties in New York.<sup>4</sup> Informally, TWC indicated to ITV that TWC could not receive a good quality signal at its other headends in the DMA and, therefore, ITV requested, informally, that TWC test WBBZ-TV's signal at its various headends in the DMA. By letters, dated February 22 and March 20, 2012, TWC officially notified ITV that WBBZ-TV was not entitled to carriage on the cable systems served by TWC's Olean, Rochester, Jamestown and Hornell headends because, pursuant to 76.61(a), WBBZ-TV failed to provide a good quality signal for reception to these headends. As indicated by TWC's letters, these particular headends serve communities in McKean County and Potter County, Pennsylvania, Cattaraugus, Chautauqua, and Allegany Counties in New York. It should be noted that these communities are located in the southern, less populated portion of the Buffalo DMA.

---

<sup>3</sup> WBBZ-TV (previously WNGS-DT) was acquired by Word of God Fellowship, Inc. and commenced digital broadcasting on May 22, 2010. On May 24, 2010, the then licensee sent certified letters to all TWC cable systems in the Buffalo DMA requesting mandatory carriage rights. On September 15, 2010, pursuant to BALCDT-20100514ADP, ITV became the licensee of the station and assumed the must carry/retransmission rights of the station as determined by the prior owner. See *Complaint of San Jose Licensee, Inc. v. Viacom Cable*, 11 FCC Rcd 2954, 2955 (1996). In an abundance of caution, in September, 2011, ITV sent letters to all TWC cable systems in the Buffalo DMA requesting mandatory carriage rights.

<sup>4</sup> See Exhibit 1 attached.

TWC also informally indicated that no further testing of WBBZ-TV's signal on any other TWC headends was contemplated.

3. Consequently, on March 26, 2012, ITV sent letters to both TWC offices in the DMA notifying TW, pursuant to Section 76.61 (a) that WBBZ-TV has mandatory signal carriage rights in the Buffalo DMA, that TWC does not carry the WBBZ-TV signal at TWC's Batavia and Dunkirk headends in the DMA and requested immediate carriage of WBBZ-TV. Additionally, ITV noted that Section 76.55 (c) (3) of the rules allows local television stations which fail to meet the signal strength criteria of the rule to provide, at their own expense, whatever equipment is necessary to ensure the delivery of a good quality signal to a cable system's principal headend and committed to provide such equipment. Further, ITV simultaneously sent a letter to the two TWC offices offering to cure the signal deficiencies at TW's Olean, Rochester, Jamestown and Hornell headends.<sup>5</sup>

The letters, sent by overnight courier, were received by TWC on March 27, 2012. To date, TWC has not responded to either of the letters.

### Argument

4. Pursuant to Section 614 of the Communications Act, commercial television broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's market.<sup>6</sup> A station's market for this purpose is its "designated

---

<sup>5</sup> Both letters are attached at Exhibit 2.

<sup>6</sup> *"Must Carry Order"*, 8 FCC Rcd 2965, 2976-2977. Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. *See* 47 U.S.C. § 534(h)(1)(C).



market area," or DMA, as defined by Nielsen Media Research.<sup>7</sup> WBBZ-TV is licensed to Springville, New York, which is in the Buffalo, New York, DMA. Consequently, pursuant to Section 76.56 (b), WBBZ-TV is entitled to carriage in the Buffalo DMA.

Section 76.61, Disputes Concerning Carriage, provides at (a) (1) that:

(w) whenever a local commercial television station or a qualified low power television station believes that a cable operator has failed to meet its carriage or channel positioning obligations, pursuant to §§76.56 and 76.57, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or position such signal on a particular channel.

As indicated, ITV so notified TWC, in writing, by overnight courier, which was received by TWC on March, 27, 2012.

5. Section 76.61(a)(2) of the rule requires that:

(t) he cable operator shall, within 30 days of receipt of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of the must-carry rules.

Despite the clear language of Section 76.61(a)(2), TWC has failed to respond in writing to ITV as required and has informally indicated that it will not do so.

6. Moreover, Section 76.55(c)(3) of the rules allows local television stations which fail to meet the signal strength criteria of the rule to provide, at their own expense, whatever equipment is necessary to ensure the delivery of a good quality signal to a cable system's principal headend. See *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues ("Must Carry Order")*, 8 FCC Rcd 2965, 2965-77 (1993); *Hispanic Keys Corp. v. Adelphia Cable*

---

<sup>7</sup> Section 76.55(e) of the Commission's rules requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs. See 47 C.F.R. § 76.55(e).

*Partners, L.P. d/b/a Adelphia Communications*, 15 FCC Rcd 15061 (CSB 2000) and *Channel 64 of Scranton, Inc. v. Blue Ridge Communications*, DA 01-1675, released July 17, 2001. ITV specifically notified TWC that ITV would provide such equipment at its own expense with respect to those headends which did not receive a good quality signal from WBBZ-TV, both as previously tested by TWC and with respect to TWC's other headends. However, TW has utterly failed to respond to ITV's commitment and its request that it be allowed to cure the signal deficiencies.

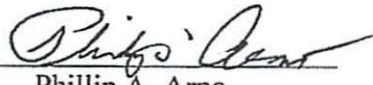
7. WBBZ-TV is clearly entitled to carriage on the cable systems operating in its DMA. Cable operators have the burden of showing that a commercial station that is located in the same television market is not entitled to carriage. See *Must Carry Order*, 8 FCC Rcd at 2991. TWC has not met that burden with respect to the entire DMA but, rather, has selectively tested WBBZ-TV's signal at *some* headends of its choosing and has completely ignored ITV's commitment to bear the costs associated with delivering a good quality signal. WBBZ-TV is an independently owned and operated station and the public interest would best be served by carriage of its signal where required by the Commission's rules.

### **Conclusion**

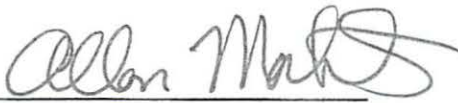
ITV requests that the Commission issue an order stating that Commission (1) find that WBBZ-TV is entitled to carriage on TWC's cable systems in the entire Buffalo DMA; (2) require that TWC respond to ITV's notification, dated March 26, 2012, that it is not being carried by several TWC headends in its DMA; and (3) require that TWC respond to ITV's requests, pursuant to Section 76.53(c) (3), that TWC enable ITV to cure its signal deficiencies.

Respectfully submitted,

**ITV of Buffalo, LLC**

By   
Phillip A. Arno  
Member of 5150 Communications, LLC,  
Managing Member of ITV of Buffalo, LLC

ITV of Buffalo, LLC  
4545 Transit Rd. Suite 750  
Williamsville, NY 14221  
(716)630-9229

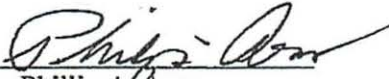
By   
Allan G. Moskowitz, Esq.  
It's Attorney

Allan G. Moskowitz, Esq.  
10845 Tuckahoe Way  
North Potomac, MD 20878  
(301) 908-4165

May 23 2012

DECLARATION

I, Phillip A. Arno, under penalty of perjury, hereby declare that I have read the foregoing "Must Carry Complaint" and, to the best of my knowledge, information and belief, it is true and correct and it is not interposed for any improper purpose.

By   
Phillip A. Arno  
Member of 5150 Communications, LLC,  
Managing Member of ITV of Buffalo, LLC

Date: May 21, 2012

## EXHIBIT 1

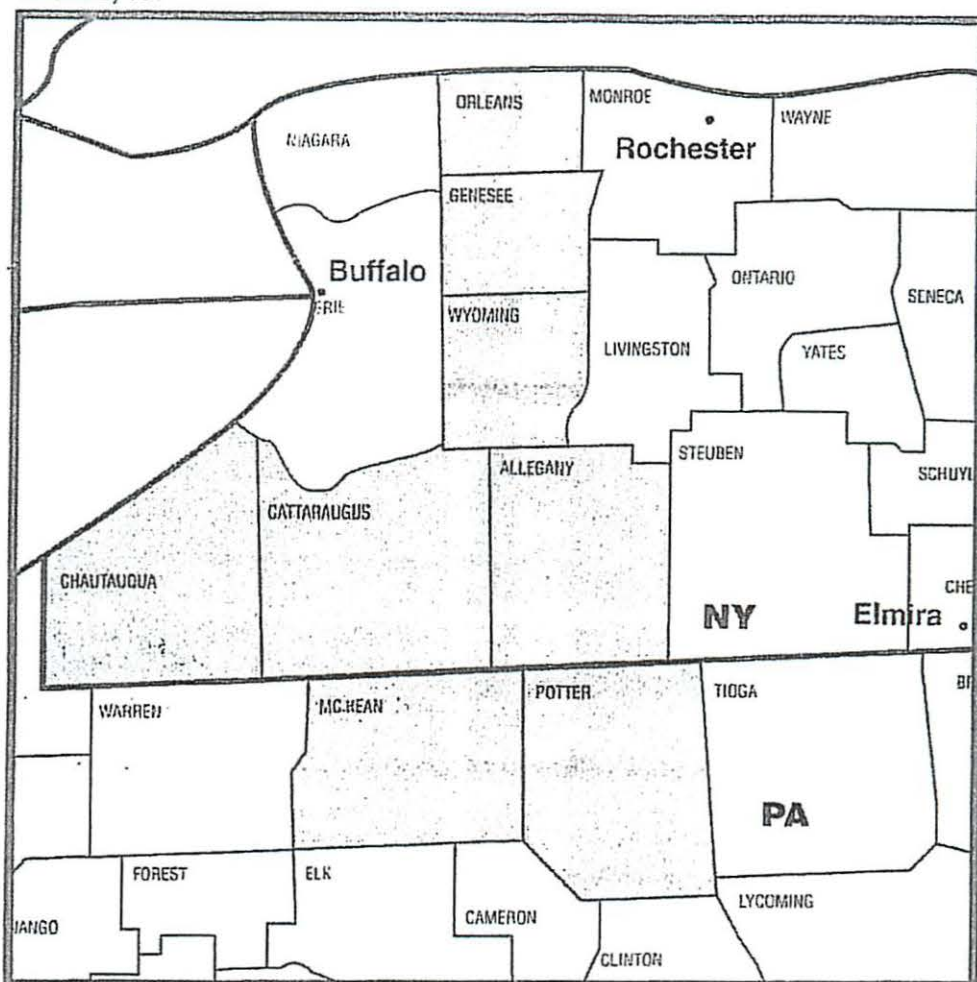


Cor  
770 I  
New  
Phor  
Fax:  
Web  
E-me

Offi  
770 I  
NTI,  
Atlas  
NSI,  
Chici  
NTI,  
Dalle  
NSI  
Olds  
NTIH  
Los /  
NTI,  
San I  
NSI

Copy  
The I  
subp  
Nels  
Synd  
Hum  
PMS  
The  
Hels  
Trad

Buffalo, NY



MARKET

DMA TV Rating

MAP LE

• City Loc  
— State I

Metro /  
Buffa

Local C  
Buffa

See Table 5 for NSI Cr

## THE NSI® TECHNIQUE

### INTRODUCTION

NSI techniques and procedures used in compiling the audience estimates in this Viewers in Profile® (VIP®) are described in the current edition of the Local Reference Supplement. The user should refer to the Supplement for information regarding the sample plan, data reported, examples of standard error calculations, as well as for additional detail on other related topics including those treated briefly below. The use of mathematical terms to express the audience estimates therein should not be regarded as a representation by NielsenTV that they are exact to the precise mathematical values stated.

THIS NSI ANALYSIS PROVIDES THE FOLLOWING AUDIENCE ESTIMATES:

#### WEEKLY CUMULATIVE AUDIENCES (Net Reach) - By Daypart

- DMA Households: the total number of different TV households reached one or more quarter-hours for the average week and for the 4 weeks of the current measurement period. Cumulative audience percentages for households are based on Meter records only.
- Station Total Households: Weekly cumulative audience reported in thousands of households is for the average week of the latest all-market measurement period (Nov., Feb., or May) as well as July.

#### AVERAGE QUARTER-HOUR AUDIENCES - By Daypart and/or By Quarter-Hour or Half-Hour

- HUT (Households-Using-Television): television households in the Metro/DMA Area with a TV set turned on as a percentage of Metro/DMA Area TV households.
- PUT (Persons-Using-Television): persons in television households in the DMA that are viewing any station as a percentage of persons in DMA television households.
- Metro/DMA Area Rating: television households in the Metro/DMA Area tuned to a specific station as a percent of the Metro/DMA Area TV households. DMA ratings are also shown for selected persons categories.
- Metro/DMA Area Share: television households in the Metro/DMA Area tuned to a specific station as a percent of the Metro/DMA Area TV households with a set turned on.
- DMA In-Market Share: an estimate of the DMA household 4-week share of viewing received by a local commercial station in comparison to the other local commercial stations in the market. This estimate is only reported in the Daypart Section.
- Trend Guide Data: DMA HUT and Shares are provided for the a) Daypart and Time Period Sections where data are based on the same Daypart/Time Period for the indicated measurement periods (see column headings) and b) Program Audience Averages Section where data are recomputed based on the "normal" program time period in the current VIP for the indicated measurement periods (see column headings).
- Users are reminded that Trend Guide data are subject to variations due to several factors, such as sampling error and seasonal variations in television viewing. These factors as well as other considerations outlined in Section IV of this VIP should be recognized in using and comparing data from several measurement periods.

- Station Total Audience: total U.S. TV households reached.
- Percent Distribution of Station Total Households: When Station Total Households for the Home market they are also shown distributed on a percentage basis between the Home DMA and up to three selected adjacent DMA's. Where applicable, these data are reported for all dayparts during all cycles only.
- Audience Composition: in numbers of persons viewing and their distribution categories shown - reported in terms of DMA Ratings and/or Projected Total Pe.
- Time Period Section: Audience estimates are shown (a) as 4-week averages for the cover exclusions due to special events or other unusual circumstances, if any (Notes), and (b) as program time period estimates excluding preemptions, if any. Program audience estimates are reported for local stations only.
- Adjacent Quarter-Hour (1/2 hour) Averages: The average of data for the current previous quarter-hour reported for each time period break. Shown are DMA household totals for households and selected demographic categories.
- DMA Weekly Ratings: DMA Household audiences reported for each week of the program average time period basis.
- Program Audience Average Section: A restatement of the program audiences shown where applicable. For a description of the rules and procedures for averaging this section, see the Local Reference Supplement.
- Persons Share Section: Persons in the DMA tuned to a specific station as a Persons-Using-Television (PUT) for this survey interval and three prior intervals.
- TV Households and Persons Trend Section: Households Using Television (HUT) and PUT are trended for all-DMA measurement periods for this period. Rating and Share data are summarized for local commercial stations.

To avoid the implication that the reported averages represent normal operating conditions, a section on "Operating Notes" is included showing dates and times of unusual operations reported by the stations.

### II AREAS MEASURED

**Metro Area:** the Metro Area is the Metropolitan Statistical Area (MSA) as defined by the Management and Budget to county line basis to include counties having over 50% of the Metro Area. In the absence of an established Metro Area, or where in NielsenTV Area may not represent the TV market(s) served by a group of TV stations, a group substituted to serve this purpose. Such an area is listed.

(Continued)

## EXHIBIT 2

---

ALLAN G. MOSKOWITZ, ESQ.

---

March 26, 2012

BY FEDERAL EXPRESS

General Manager  
Time Warner Cable  
355 Chicago St  
Buffalo, NY 14204

General Manager  
Time Warner Cable  
71 Mount Hope Ave  
Rochester, NY 14620

Re: WBBZ-TV, Springville, New York  
ITV of Buffalo, LLC

Dear Sirs:

This firm represents ITV of Buffalo, LLC ("ITV"), licensee of WBBZ-TV, Springville, New York. WBBZ-TV is in the Buffalo Designated Market Area and as such has mandatory signal carriage rights on your cable system, pursuant to Section 76.56 of the Federal Communication Commission's rules and Section 325 of the Communications Act of 1934, as amended. It has come to the attention of ITV that your cable system does not carry the WBBZ-TV signal at your Batavia and Dunkirk head-ends (see attached list of communities).

Unless your systems commence immediate carriage of WBBZ-TV, ITV will have no option other than to pursue appropriate remedies before the FCC and, if necessary, in federal court.

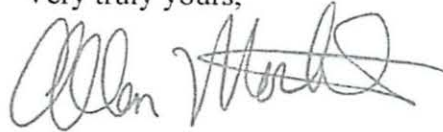
Additionally, Section 76.55 (c) (3) of the rules allows local television stations that which fail to meet the signal strength criteria of the rule to provide, at their own expense, whatever equipment is necessary to ensure the delivery of a good quality signal to a cable system's principal headend. See *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, 8 FCC Rcd 2965, 2965-77 (1993); *Hispanic Keys Corp. v. Adelphia Cable Partners, L.P. d/b/a Adelphia Communications*, 15 FCC Rcd 15061 (CSB 2000) and *Channel 64 of Scranton, Inc. v. Blue Ridge Communications*, DA 01-1675, released July 17, 2001.

ITV hereby commits to providing Time Warner, at ITV's own expense, whatever equipment is necessary to ensure the delivery of a good quality signal which meets the Commission's signal strength criteria.



If you would like to discuss this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Allan Moskowitz", written over a horizontal line.

Allan G. Moskowitz

Cc: John R. Wilner, Esq.



Community Unit	Community Name	County Name	HEADEND	PSID
NY1445	CANEADEA	ALLEGANY	BATAVIA	004963
NY1334	HUME	ALLEGANY	BATAVIA	004963
NY1266	AKRON	ERIE	BATAVIA	004963
NY1218	ALDEN	ERIE	BATAVIA	004963
NY1275	ALDEN	ERIE	BATAVIA	004963
NY1314	MARILLA	ERIE	BATAVIA	004963
NY1327	NEWSTEAD	ERIE	BATAVIA	004963
NY1657	ALABAMA	GENESEE	BATAVIA	004963
NY0894	ALEXANDER	GENESEE	BATAVIA	004963
NY0895	ALEXANDER	GENESEE	BATAVIA	004963
NY0838	BATAVIA	GENESEE	BATAVIA	004963
NY0850	BATAVIA	GENESEE	BATAVIA	004963
NY0878	BERGEN	GENESEE	BATAVIA	004963
NY1049	BERGEN	GENESEE	BATAVIA	004963
NY1540	BETHANY	GENESEE	BATAVIA	004963
NY0997	CORFU	GENESEE	BATAVIA	004963
NY1597	DARIEN	GENESEE	BATAVIA	004963
NY0896	ELBA	GENESEE	BATAVIA	004963
NY0922	ELBA	GENESEE	BATAVIA	004963
NY0888	LEROY	GENESEE	BATAVIA	004963
NY0897	LEROY	GENESEE	BATAVIA	004963
NY0914	OAKFIELD	GENESEE	BATAVIA	004963
NY0923	OAKFIELD	GENESEE	BATAVIA	004963
NY1328	PAVILION	GENESEE	BATAVIA	004963
NY1050	PEMBROKE	GENESEE	BATAVIA	004963
NY0891	STAFFORD	GENESEE	BATAVIA	004963
NY0998	AVON	LIVINGSTON	BATAVIA	004963
NY0999	AVON	LIVINGSTON	BATAVIA	004963
NY0889	CALEDONIA	LIVINGSTON	BATAVIA	004963
NY0890	CALEDONIAN	LIVINGSTON	BATAVIA	004963
NY1257	CONESUS	LIVINGSTON	BATAVIA	004963
NY1131	GENESEO	LIVINGSTON	BATAVIA	004963
NY1258	GENESEO	LIVINGSTON	BATAVIA	004963
NY1491	GROVELAND	LIVINGSTON	BATAVIA	004963
NY1000	LEICESTER	LIVINGSTON	BATAVIA	004963
NY1048	LEICESTER	LIVINGSTON	BATAVIA	004963
NY0946	LIMA	LIVINGSTON	BATAVIA	004963
NY1001	LIMA	LIVINGSTON	BATAVIA	004963
NY0945	LIVONIA	LIVINGSTON	BATAVIA	004963
NY1002	LIVONIA	LIVINGSTON	BATAVIA	004963
NY1051	MOUNT MORRIS	LIVINGSTON	BATAVIA	004963
NY1326	MOUNT MORRIS	LIVINGSTON	BATAVIA	004963
NY1220	NUNDA	LIVINGSTON	BATAVIA	004963
NY1335	NUNDA	LIVINGSTON	BATAVIA	004963
NY1317	PORTAGE	LIVINGSTON	BATAVIA	004963
NY1003	YORK	LIVINGSTON	BATAVIA	004963
NY0944	HONEOYE FALLS	MONROE	BATAVIA	004963
NY1052	MENDON	MONROE	BATAVIA	004963
NY1173	RUSH	MONROE	BATAVIA	004963
NY0954	SCOTTSVILLE	MONROE	BATAVIA	004963
NY0952	WHEATLAND	MONROE	BATAVIA	004963
NY1325	HARTLAND	NIAGARA	BATAVIA	004963
NY1219	MIDDLEPORT	NIAGARA	BATAVIA	004963

NY1394	ROYALTON	NIAGARA	BATAVIA	004963
NY1114	WEST BLOOMFIELD	ONTARIO	BATAVIA	004963
NY1024	ALBION	ORLEANS	BATAVIA	004963
NY1276	ALBION	ORLEANS	BATAVIA	004963
NY1615	BARRE	ORLEANS	BATAVIA	004963
NY1535	CARLTON	ORLEANS	BATAVIA	004963
NY1581	GAINES	ORLEANS	BATAVIA	004963
NY1536	KENDALL	ORLEANS	BATAVIA	004963
NY1265	LYNDONVILLE	ORLEANS	BATAVIA	004963
NY1023	MEDINA	ORLEANS	BATAVIA	004963
NY1315	RIDGEWAY	ORLEANS	BATAVIA	004963
NY1294	SHELBY	ORLEANS	BATAVIA	004963
NY1293	YATES	ORLEANS	BATAVIA	004963
NY0892	ATTICA	WYOMING	BATAVIA	004963
NY1091	ATTICA	WYOMING	BATAVIA	004963
NY1598	BENNINGTON	WYOMING	BATAVIA	004963
NY1111	CASTILE	WYOMING	BATAVIA	004963
NY1113	CASTILE	WYOMING	BATAVIA	004963
NY1639	COVINGTON	WYOMING	BATAVIA	004963
NY1793	EAGLE	WYOMING	BATAVIA	004963
NY1267	GAINSVILLE	WYOMING	BATAVIA	004963
NY1268	GAINSVILLE	WYOMING	BATAVIA	004963
NY1316	GENESEE FALLS	WYOMING	BATAVIA	004963
NY1687	JAVA	WYOMING	BATAVIA	004963
NY1600	MIDDLEBURY	WYOMING	BATAVIA	004963
NY1654	ORANGEVILLE	WYOMING	BATAVIA	004963
NY1110	PERRY	WYOMING	BATAVIA	004963
NY1112	PERRY	WYOMING	BATAVIA	004963
NY1655	PIKE	WYOMING	BATAVIA	004963
NY1656	PIKE	WYOMING	BATAVIA	004963
NY1616	SHELDON	WYOMING	BATAVIA	004963
NY1269	SILVER SPRINGS	WYOMING	BATAVIA	004963
NY1699	TOWN OF WARSAW	WYOMING	BATAVIA	004963
NY0558	WARSAW	WYOMING	BATAVIA	004963
NY1599	WYOMING	WYOMING	BATAVIA	004963
NY0314	DUNKIRK	CHAUTAUQUA	DUNKIRK	007352
NY0978	DUNKIRK	CHAUTAUQUA	DUNKIRK	007352
NY1212	FORESTVILLE	CHAUTAUQUA	DUNKIRK	007352
NY1213	HANOVER	CHAUTAUQUA	DUNKIRK	007352
NY1164	POMFRET	CHAUTAUQUA	DUNKIRK	007352
NY1433	PORTLAND	CHAUTAUQUA	DUNKIRK	007352
NY1087	SHERIDAN	CHAUTAUQUA	DUNKIRK	007352
NY1214	SILVER CREEK	CHAUTAUQUA	DUNKIRK	007352
NY1435	LAKEWOOD VILLAGE MHP	ORLEANS		014407
NY1436	OAK ORCHARD MHP	ORLEANS		014407



---

ALLAN G. MOSKOWITZ, ESQ.

---

March 26, 2012

John R. Wilner, Esq.  
Edwards Wildman Palmer L.P.  
1255 23<sup>rd</sup> Street, N.W.  
Washington, D.C. 20037

Dear John:

On behalf of ITV of Buffalo, LLC, licensee of Television Station WBBZ-TV, Springville, New York, this will respond to your letters of February 22, 2012 and March 20, 2012, respectively, notifying WBBZ-TV, on behalf of your client, Time Warner Cable (TWC), that WBBZ-TV is not entitled to carriage on the cable systems served by TWC's Olean, Rochester, Jamestown and Hornell headends because WBBZ-TV failed to provide a good quality signal for reception pursuant to Section 76.55(c)(3) of the Commission's rules.

Section 76.55(c)(3) of the rules allows local television stations that which fail to meet the signal strength criteria of the rule to provide, at their own expense, whatever equipment is necessary to ensure the delivery of a good quality signal to a cable system's principal headend. See *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, 8 FCC Rcd 2965, 2965-77 (1993); *Hispanic Keys Corp. v. Adelphia Cable Partners, L.P. d/b/a Adelphia Communications*, 15 FCC Rcd 15061 (CSB 2000) and *Channel 64 of Scranton, Inc. v. Blue Ridge Communications*, DA 01-1675, released July 17, 2001.

ITV hereby commits to providing TWC, at ITV's own expense, whatever equipment is necessary to ensure the delivery of a good quality signal which meets the Commission's signal strength criteria to TWC's Olean, Rochester, Jamestown and Hornell headends.

Please respond at your earliest convenience to enable ITV to cure its signal deficiencies at these headends and provide a good quality signal commensurate with the requirements of the Commission's rules.

Very truly yours,



Allan G. Moskowitz

## EXHIBIT 3



**From** Please print and press hard.

Date 3/26/2012 Sender's FedEx Account Number 908 4165  
Sender's Name Allan G. Mostowitz Phone 301, 908-4165

Company \_\_\_\_\_

Address 10845 TUCKAHOE WAY

City N. POTOMAC State MD ZIP 20878

**Your Internal Billing Reference**

First 24 characters will appear on invoice.

To Recipient's Name GENERAL MANAGER Phone 585,756-1000

Company TIME WARNER CABLE

Address 71 Mount Hope Avenue

City ROCHESTER State NY ZIP 14620

**HOLD Weekday**  
FedEx location address  
REQUIRED. NOT available for  
FedEx First Overnight.  
**HOLD Saturday**  
FedEx location address  
REQUIRED. Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select locations.

**4 Express Package Service** \*To most locations.

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.  
For packages over 150 lbs., use the new  
FedEx Express Freight US Airbill.

- ☐ FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☒ FedEx Priority Overnight  
Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

- ☐ FedEx 2Day A.M.  
Second business morning.\* Saturday Delivery NOT available.
- ☐ FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Express Saver  
Third business day.\* Saturday Delivery NOT available.

**5 Packaging** \*Declared value limit \$500.

- ☒ FedEx Envelope\* ☐ FedEx Pak\* ☐ FedEx Box ☐ FedEx Tube ☐ Other

**6 Special Handling and Delivery Signature Options**

- ☐ SATURDAY Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- ☒ No Signature Required  
Package may be left without obtaining a signature for delivery.
- ☐ Direct Signature  
Someone at recipient's address may sign for delivery. Fee applies.
- ☐ Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

**Does this shipment contain dangerous goods?**

- One box must be checked.
- ☒ No ☐ Yes As per attached Shipper's Declaration. ☐ Yes Shipper's Declaration not required.
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box. ☐ Dry Ice Dry Ice, 9, UN 1845 x kg ☐ Cargo Aircraft Only

**7 Payment Bill to:**

- Enter FedEx Acct. No. or Credit Card No. below.
- ☐ Sender Acct. No. in Section I will be billed. ☐ Recipient ☐ Third Party ☒ Credit Card ☐ Cash/Check

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value\* \$ \_\_\_\_\_

\*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in our current FedEx Service Guide, including terms that limit our liability.

Rev. Date 11/10 • Part #163135 • ©1994-2010 FedEx • PRINTED IN U.S.A. SRY

612

**From** Please print and press hard.

Date 3/26/2012 Sender's FedEx Account Number 908 4165  
Sender's Name Allan G. Mostowitz, ESQ Phone 301, 908-4165

Company \_\_\_\_\_

Address 10845 TUCKAHOE WAY

City N. POTOMAC State MD ZIP 20878

**Your Internal Billing Reference**

First 24 characters will appear on invoice.

To Recipient's Name GENERAL MANAGER Phone 716, 393-5113

Company TIME WARNER CABLE

Address 355 CHICAGO STREET

City BUFFALO State NY ZIP 14204

**HOLD Weekday**  
FedEx location address  
REQUIRED. NOT available for  
FedEx First Overnight.  
**HOLD Saturday**  
FedEx location address  
REQUIRED. Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select locations.

**4 Express Package Service** \*To most locations.

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.  
For packages over 150 lbs., use the new  
FedEx Express Freight US Airbill.

- ☒ FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Priority Overnight  
Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

- ☐ FedEx 2Day A.M.  
Second business morning.\* Saturday Delivery NOT available.
- ☐ FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- ☐ FedEx Express Saver  
Third business day.\* Saturday Delivery NOT available.

**5 Packaging** \*Declared value limit \$500.

- ☐ FedEx Envelope\* ☐ FedEx Pak\* ☐ FedEx Box ☐ FedEx Tube ☐ Other

**6 Special Handling and Delivery Signature Options**

- ☐ SATURDAY Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- ☐ No Signature Required  
Package may be left without obtaining a signature for delivery.
- ☐ Direct Signature  
Someone at recipient's address may sign for delivery. Fee applies.
- ☐ Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

**Does this shipment contain dangerous goods?**

- One box must be checked.
- ☐ No ☐ Yes As per attached Shipper's Declaration. ☐ Yes Shipper's Declaration not required.
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box. ☐ Dry Ice Dry Ice, 9, UN 1845 x kg ☐ Cargo Aircraft Only

**7 Payment Bill to:**

- Enter FedEx Acct. No. or Credit Card No. below.
- ☐ Sender Acct. No. in Section I will be billed. ☐ Recipient ☐ Third Party ☒ Credit Card ☐ Cash/Check

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value\* \$ \_\_\_\_\_

\*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in our current FedEx Service Guide, including terms that limit our liability.

612

[Ship](#)[Track](#)[Manage](#)[Learn](#)[FedEx Office®](#)[Support](#) [Locations](#) [English](#)[Search fedex.com](#)

## Detailed Results

[Printer-Friendly](#)[Get Link](#)[Help](#)

Enter tracking number

[Track](#)

## Detailed Results

## Notifications

Tracking no.: 899393369037

Select time format: [12H](#) | [24H](#)[E-mail notifications](#)

## Delivered



Delivered  
Signed for by: C.CATARO

## Shipment Dates

Ship date Mar 26, 2012

Delivery date Mar 27, 2012 10:22 AM

## Destination

[Signature Proof of Delivery](#) 

## Shipment Options

[Help](#)

## Hold at FedEx Location

Hold at FedEx Location service is not available for this shipment.

## Shipment Facts

[Help](#)

Service type	Priority Envelope	Delivered to	Shipping/Receiving
Weight	0.3 lbs/.1 kg		

## Shipment Travel History

[Help](#)

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Mar 27, 2012 10:22 AM	Delivered		
Mar 27, 2012 8:25 AM	On FedEx vehicle for delivery	CHEEKTOWAGA, NY	
Mar 27, 2012 7:47 AM	At local FedEx facility	CHEEKTOWAGA, NY	
Mar 27, 2012 6:45 AM	At destination sort facility	CHEEKTOWAGA, NY	
Mar 27, 2012 3:57 AM	Departed FedEx location	MEMPHIS, TN	
Mar 27, 2012 12:07 AM	Arrived at FedEx location	MEMPHIS, TN	
Mar 26, 2012 9:50 PM	Left FedEx origin facility	ROCKVILLE, MD	
Mar 26, 2012 12:44 PM	Picked up	ROCKVILLE, MD	Tendered at FedEx Office

Save up to 15% on FedEx Ground®  
shipments for your retail business.

[Enroll now >](#)

## FedEx Advanced Tracking:

The ultimate in  
tracking visibility.[Watch demo >](#)

Return: You have 4 days to return

Delivery Exception: 0

Customs Delay: 0

[Search fedex.com](#)

## Customer Focus

New Customer Center  
Small Business Center  
Service Guide  
Customer Support  
My FedEx Rewards

## Company Information

About FedEx  
Careers  
Investor Relations

## Featured Services

FedEx SameDay  
FedEx Home Delivery  
Healthcare Solutions  
Online Retail Solutions  
Packaging Services  
Ancillary Clearance Services

## Other Resources

Compatible Solutions  
Program  
Developer Resource Center  
FedEx Ship Manager

## Companies

FedEx Express  
FedEx Ground  
FedEx Office  
FedEx Freight  
FedEx Custom Critical  
FedEx Trade Networks  
FedEx SupplyChain

## Follow FedEx

[United States - English](#)



[Ship](#)[Track](#)[Manage](#)[Learn](#)[FedEx Office®](#)[Support](#) [Locations](#) [English](#)[Search fedex.com](#)

## Detailed Results

[Printer-Friendly](#)[Get Link](#)[Help](#)

Enter tracking number

[Track](#)

## Detailed Results

## Notifications

Tracking no.: 899393369048

Select time format: [12H](#) | [24H](#)[E-mail notifications](#)

## Delivered

Initiated Picked up In transit Delivered

Delivered

Signed for by: R.ROBINSON

## Shipment Dates

Ship date Mar 26, 2012

Delivery date Mar 27, 2012 9:42 AM

## Destination

[Signature Proof of Delivery](#) 

## Shipment Options

[Help](#)

## Hold at FedEx Location

Hold at FedEx Location service is not available for this shipment.

## Shipment Facts

[Help](#)

Service type	Priority Envelope	Delivered to	Receptionist/Front Desk
Weight	0.3 lbs/.1 kg		

## Shipment Travel History

[Help](#)

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Mar 27, 2012 9:42 AM	Delivered		
Mar 27, 2012 9:08 AM	On FedEx vehicle for delivery	ROCHESTER, NY	
Mar 27, 2012 8:10 AM	At local FedEx facility	ROCHESTER, NY	
Mar 27, 2012 6:48 AM	At destination sort facility	ROCHESTER, NY	
Mar 27, 2012 3:53 AM	Departed FedEx location	MEMPHIS, TN	
Mar 26, 2012 12:44 PM	Picked up	ROCKVILLE, MD	Tendered at FedEx Office

FedEx Ground is now  
faster than ever.[See how fast >](#)

## FedEx Advanced Tracking:

The ultimate in  
tracking visibility.[Watch demo >](#)

Return: You have 6 attempts.  
Delivery Attempts: 0    Delivery Refuse: 4

[Search fedex.com](#)

## Customer Focus

[New Customer Center](#)  
[Small Business Center](#)  
[Service Guide](#)  
[Customer Support](#)  
[My FedEx Rewards](#)

## Company Information

[About FedEx](#)  
[Careers](#)  
[Investor Relations](#)

## Featured Services

[FedEx SameDay](#)  
[FedEx Home Delivery](#)  
[Healthcare Solutions](#)  
[Online Retail Solutions](#)  
[Packaging Services](#)  
[Ancillary Clearance Services](#)

## Other Resources

[Compatible Solutions Program](#)  
[Developer Resource Center](#)  
[FedEx Ship Manager Software](#)  
[FedEx Mobile](#)

## Companies

[FedEx Express](#)  
[FedEx Ground](#)  
[FedEx Office](#)  
[FedEx Freight](#)  
[FedEx Custom Critical](#)  
[FedEx Trade Networks](#)  
[FedEx SupplyChain](#)

## Follow FedEx

[United States - English](#)

**CERTIFICATE OF SERVICE**

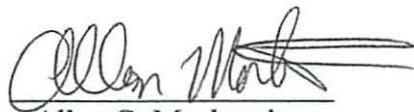
I, Allan G. Moskowitz, hereby certify that on this 23rd day of May, 2012, copies of the foregoing "Must-Carry Complaint" are being served by U. S. first-class mail postage prepaid, or by hand delivery\*, upon the following:

John R. Wilner, Esq.  
Edwards Wildman  
1255 23<sup>rd</sup> Street, NW  
Eighth Floor  
Washington, D.C. 20037

General Manager  
Time Warner Cable  
355 Chicago St.  
Buffalo, NY 14204

General Manager  
Time Warner Cable  
71 Mount Hope Ave  
Rochester, NY 14620

Steven Broecker \*  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

  
Allan G. Moskowitz